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*ROBERT G. SAND
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May 17, 1994

Tim Deardorff
Attorney at Law
169 E. McMillan
First Floor
Cincinnati, Ohio 45219-2636

RE: State of Ohio v. Lee Moore

Dear Tim:

I would appreciate very much if you would forward a copy of the Entry Appointing me as the Mitigation Specialist. In addition, I need to know the date the Trial is set. Mr. Vonderhaar and I are looking forward to meeting with you in reference to this case as early as possible.

Very truly yours,

Chuck R. Stidham
Attorney at Law

CRS/tas

cc: Daniel James

003164

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J DEARDORFF
LOREN S HAAS
JAMES S GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX 281-6760

March 31, 1994

Mr. Dan James, Esq.
1300 American Building
30 E. Central Parkway
Cincinnati, Ohio 45202

Re: Lee Edward Moore

Dear Dan:

I had a conversation with Chuck Stidham in regard to being our mitigation expert. I personally think that one is necessary in every aggravated murder case. I will be on vacation until April 11th. I have asked Chuck to contact you in regards to filing that motion.

Secondly, I have had extensive interviews with Lee Edward Moore in the jail and I would like to speak to you in regard to his status as far as the first phase. I also think that we should move for a 3 judge panel to see who we would obtain and hopefully roll a judge who would be persuaded by the arguments in mitigation. I will await to hear from you in that regard when I return. It may be beneficial that you, I and Chuck Stidham have a meeting before we proceed with any motions. However, I will concur, obviously, with anything you would do in my absence.

Very truly yours,

DEARDORFF & HAAS

TIMOTHY J. DEARDORFF

TJD/jp

003165

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

February 18, 1994

Mr. Timothy Deardorff
Attorney at Law
169 E. McMillan Street
Cincinnati, Ohio 45219

Dear Tim:

Please find enclosed a copy of the Entry of Continuance and the Discovery that I picked up when in court earlier today. I'll give you a call next week to discuss the appropriate notions that need to be filed.

Sincerely yours,

Daniel J. James

DJJ/kw
Encl.

003166

DEARDORFF & HAAS
ATTORNEYS AT LAW

THOMAS J. ANDERSON
ROBERT H. HAAS
JAMES S. G. COOPER

169 EAST MOUND AV. CINCINNATI, OHIO 45202
(513) 241-4030
(800) 372-7272

SEAN MCGEE, CLERK

FAX TRANSMISSION

TO: DAN SMITH 721-1995
FROM: JIM DEARDORFF
DATE: 18 FEB 94
MESSAGE: THIS IS OUR SAMPLE MOTION FOR CHANGE OF
VENUE. WE CAN ADD RESEARCH IF YOU FEEL IT IS
NECESSARY
Fax No: 241-0154

Page one of (including cover letter)

FAX NUMBER SENT FROM (513) 241-5724

If there are any questions concerning the following faxed material,
please contact Deardorff & Haas, Law Offices at (513) 241-4030.

Thank you.

003167

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO, : Case No. B-940481
Plaintiff, : Judge Morrissey
v. : MOTION FOR CHANGE OF
LEE EDWARD MOORE, : VENUE
Defendant. :

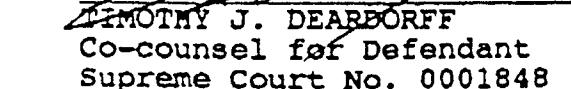
Now comes the Defendant, by and through counsel, and respectfully moves this Court to order a change of venue in the above captioned case, as allowed by Criminal Rule 18, for the reason that a fair trial cannot be obtained in Hamilton County, nor in any of the counties in the Cincinnati metropolitan area. The Defendant requests that the trial of the Defendant to be transferred to a jurisdiction outside of the southwestern Ohio area.

The Defendant respectfully requests an oral hearing for the determination of this issue.

Respectfully submitted,



DANIEL J. JAMES
Lead counsel for Defendant
Supreme Court No. 0008067
30 East Central Parkway
Cincinnati, Ohio 45202
(513) 721-1995


TIMOTHY J. DEARDORFF
Co-counsel for Defendant
Supreme Court No. 0001848
169 E. McMillan Street
Cincinnati, Ohio 45219
(513) 241-4030

MEMORANDUM

The Defendant herein was indicted for the crimes of Aggravated Murder, kidnapping, and aggravated robbery. Since the commission of the crimes in question, the case has received widespread news coverage by the local media, including extensive articles in the major newspapers, coverage on all the local television stations, and much commentary on local radio stations. Furthermore, Prosecutor Joe Deters has been repeatedly made inflammatory statements to the public via the news media, referring to the Defendant as a person who "cannot be saved" and who "definitely deserves the death penalty." Finally, Mr. Deters commented to the news media that the Defendant was laughing at his arraignment, and therefore does no longer deserve to live.

The pervasive coverage of the death of Melvin Olinger (the victim in this case), combined with the inflammatory and highly prejudicial statements of Mr. Deters, has made a fair trial in Hamilton County impossible. Every potential juror has surely heard the statements and determined that the Defendant is guilty of the offenses as charged. For this reason, this honorable Court should order a change of venue immediately, without waiting until the voir dire of the prospective panel, as such would be entirely fruitless. See Sheppard v. Maxwell, 384 U.S. 333 (1976), State v. Fairbanks, 32 Ohio St.2d 34 (1972).

Respectfully submitted,

DANIEL J. JAMES
Lead counsel for Defendant
Supreme Court No. 0008067
30 East Central Parkway
Cincinnati, Ohio 45202
(513) 721-1995

TIMOTHY J. DEARDORFF
Co-counsel for Defendant
Supreme Court No. 0001848
169 E. McMillan Street
Cincinnati, Ohio 45219
(513) 241-4030

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Change of Venue was served upon Joseph Deters, Prosecuting Attorney, 1000 Main Street, Cincinnati, OH 45202 on the same day the motion was filed.

TIMOTHY J. DEARDORFF

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

February 9, 1994

Mr. Timothy J. Deardorff
Attorney at Law
Deardorff & Haas
169 East McMillan
Cincinnati, Ohio 45219-2636

Dear Tim:

Please find enclosed a copy of the Entry Of Continuance that has been signed by Mr. Moore.

Additionally, it is my understanding that you would file the standard Request For Discovery, Request For Bill Of Particulars and Demand For Disclosure Of Favorable Evidence. Also, I ask you to check your calendar as to when you will be over at the Courthouse during the next few days. I'd like to meet with you to review and discuss the additional motions we need to file. I'll call you later this week to schedule a time convenient for both of our schedules.

Sincerely yours,

Daniel J. James

DJJ/kw
Encl.

003171

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
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(513) 574-5400

February 9, 1994

Mr. Mark Piepmeier
Assistant Hamilton County Prosecutor
914 Main Street
2nd Floor
Cincinnati, Ohio 45202

Re: State of Ohio vs. Lee Moore

Dear Mark:

Please find enclosed a copy of the Entry Of Continuance that has been signed by Mr. Moore. I hope to have the initial Discovery pleadings filed within the next few days.

Sincerely yours,

Daniel J. James

DJJ/kw
Encl.

cc: Timothy Deardorff

003174

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

February 3, 1994

Mr. Timothy J. Deardorff
Attorney at Law
Deardorff & Haas
169 East McMillan
Cincinnati, Ohio 45219

Re: State of Ohio vs. Lee Moore
Case No. B9400481

Dear Tim:

When we spoke in Court earlier this week we talked about the numerous filings that are required to be filed in a capital case. You indicated that you had the most recent and updated motions in your computer.

I ask you to send or fax to me a listing of these motions. In this manner we can review which motions are appropriate. I would like to get the majority of these motions filed within the next couple of weeks. If you have any questions, give me a call.

Sincerely yours,

Daniel J. James

DJJ/kw

003176

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

109 EAST McMILLAN - CINCINNATI OHIO 45219
(513) 241-4030
FAX 241-5724

GEOFFREY W. PITTMAN

FAX TRANSMISSION

TO: Daniel J. James

FROM: Timothy J. Deardorff

DATE: February 8, 1994

MESSAGE: Re: Lee Edward Moore

Fax No: 241-0154

Page one of 2 (including cover letter)

FAX NUMBER SENT FROM (513) 241-5724

If there are any questions concerning the following faxed material,
please contact Deardorff & Haas, Law Offices at (513) 241-4030.

Thank you.

003177

MOTIONS FOR LEE EDWARD MOORE

- 1) Bill of Particulars
- 2) Request for Discovery
- 3) Change of Venue
- 4) ~~Submit Questionnaires to Prospective Jurors~~
- 5) Appropriation of Funds for Defense Preparation
- 6) ~~Exclude Death Penalty because Electrocution is Cruel and Unusual Punishment~~
- 7) ~~Disclosure of witness Statements Prior to Trial~~
- 8) Require Prosecutor to State Reasons for Exercising Peremptory Challenges
- 9) Motion to Suppress
- 10) Motion to Dismiss Indictment
- 11) Motion to Prohibit Death Qualifications of Jury
- 12) Individual Sequestered Voir Dire
- 13) Motion for Disclosure of Impeaching Information
- 14) Compel Law Enforcement Officials to Turn Over and Advise Prosecutor of all Information Acquired During Investigation
- 15) Compel Disclosure of and Specific Requests for Exculpatory Evidence
- 16) Prohibit Prosecutor from Arguing and the Court from Giving Instructions Regarding Statutory Mitigating Factors not Raised by the Defense
- 17) Prohibit References to the Jury that a Verdict as to Death is only a Recommendation
- 18) Require the Jury to Articulate the Method by Which it Weighs the Aggravating Circumstances Against the Mitigating Factors.
- 19) Sequester Jurors for Duration of Trial
- 20) Limit Number of Peremptories
- 21) Second Voir Dire of Jury
- 22) Prohibit Display of Evidentiary Exhibits Until Admitted
- 23) Exclude Photographs of Deceased
- 24) Exclude References to Defendant's Criminal Record and to Exclude any Evidence Relating to Other Crimes, Wrongs or Acts.
- 25) Prohibit any Evidence Bearing on the Character of the Victim.
- 26) Compel Disclosure of Aggravating Factors and any Information Relating to Mitigating Factors
- 27) Alternating Voir Dire
- 28) Compel Disclosure of Prosecutor's Jury Selection Data
- 29) Have Reasons for Defendant's Objections and for Overruling Defendant's Objections Placed of Record
- 30) Increase Burden of Proof to Beyond all Doubt at the Penalty Phase. *ACTION BY TIME FILE, PRETRIAL MOTIONS*

*MOTION ALLOW DEFENDANT ARGUE 1st CLASS**MOTION TO LIMIT Prosecutor's Argument to the Aggravating Powers of The Guilt Phase**MOTION TO PROHIBIT PROSECUTOR FROM COMMENTING ON DEFENDANT'S UNSWORN STATEMENT**MOTION TO PERMIT DEFENSE TO ADMIT ALL RELEVANT EVIDENCE OF SENTENCING PURPOSE**MOTION FOR COMPETENT VOIR DIRE**MOTION FOR DISCLOSURE OF REBUTTAL WITNESSES**MOTION TO INCREASE PEREMPTORIES**MOTION TO PROHIBIT PROSECUTOR FROM GIVING INSTRUCTIONS CONCERNING MITIGATING FACTORS**003178*

MOTIONS FOR LEE EDWARD MOORE

- 1) Bill of Particulars
- 2) Request for Discovery
- 3) Change of Venue
- 4) Submit Questionnaires to Prospective Jurors
- 5) Appropriation of Funds for Defense Preparation
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- 28) Compel Disclosure of Prosecutor's Jury Selection Data
- 29) Have Reasons for Defendant's Objections and for Overruling Defendant's Objections Placed of Record
- 30) Increase Burden of Proof to Beyond all Doubt at the Penalty Phase.

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
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GEOFFREY W. PITTMAN

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Thank you.

003180

CHUCK R. STIDHAM
CHRISTOPHER J. BERNARD

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*HARRY A. SAND
(1922-1987)

February 2, 1994

Daniel James
Attorney at Law
30 E. Central Parkway
13th Flr., American Building
Cincinnati, Ohio 45202

RE: State of Ohio v. Lee Moore

Dear Dan:

Thank you very much for considering Mr. Vonderhaar and myself to be the Mitigation Specialists in reference to the above case. Steve and I would like very much the opportunity to speak with you as quickly as possible so as the ground work, foundation and parameters of our duties and obligations is clearly set forth.

Mitigation Specialists of Southwest Ohio charges the fee of \$35.00 per hour plus nominal expenses in the event of long distance telephone calls or mileage. We look very much forward to the opportunity of working with you in the representation of Mr. Moore.

Very truly yours,



Chuck R. Stidham
Attorney at Law

CRS/tas

003181



Office of the Ohio Public Defender
8 East Long Street
Columbus, Ohio 43266-0587
(614) 466-5394
FAX NUMBER: (614) 644-9972
GLORIA EYERLY
~~JANE A. CORE~~
State Public Defender

February 17, 1994

Dan James
1300 American Building
30 East Central Parkway
Cincinnati, Ohio 45202

Dear Mr. James:

Joann Bour-Stokes asked me to provide you with names of mitigation specialists in the southwestern Ohio area. Unfortunately, in your area, there are not many experienced mitigation specialists available. Because of that, I am including the names of several folks in the Central Ohio area as well as a man from Tennessee who is willing to travel to Ohio.

If I can be of further assistance, please do not hesitate to call.

Sincerely,

Jane A. Core
Investigation/Mitigation Section Director

JAC:psm

Enclosure

003182

Susan Shorr
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003183